



6p3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF: Lawrence A. Shimp et al.  
SERIAL NO: 10/005,238 GROUP ART UNIT: 3738  
FILED: December 5, 2001 EXAMINER: David H. Willse  
CUSTOMER NO.: 27162  
FOR: Spinal Intervertebral Implant, Interconnections for Such Implant  
and Processes for Making  
ATTY/DKT NO.: 525400-208

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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#8

SIR:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

     §1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits. No fee or statement is required.

  X   §1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

  X   The statement as specified in 37 CFR §1.97(e) set out below; OR

     The fee of \$180.00 under 37 CFR §1.17(p).

\_\_\_§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND  
is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$180.00 set out in 37 CFR §1.17(i).

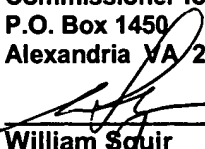
X §1.97(e) The undersigned Attorney hereby states that:

X each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;

or

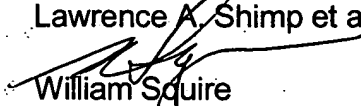
\_\_\_ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

<b>FIRST CLASS CERTIFICATE</b>	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
MS Non-Fee Amendment Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	
 William Squire	December 3, 2003 Date

#203017

Respectfully submitted,  
Lawrence A. Shimp et al

  
William Squire  
Reg. No. 25,378  
CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Five Becker Farm Road  
Roseland, NJ 07068  
Tel: (973)994-1700  
Fax: (973)994-1744